

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LEAR AUTOMOTIVE DEARBORN, INC.,  
et al.,

Plaintiffs,

Case No. 04-73461

v.

District Judge Paul D. Borman  
Magistrate Judge R. Steven Whalen

JOHNSON CONTROLS, INC.,

Defendants.

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**ORDER**

Before the Court is Defendant's Motion for Protective Order [Docket #70], which has been referred for hearing and determination pursuant to 28 U.S.C. §636(b)(1)(A). For the reasons stated on the record on January 12, 2006, Defendant's Motion is GRANTED IN PART AND DENIED IN PART, as follows:

1. Plaintiff shall be precluded from deposing Defendant's litigation counsel, Foley & Lardner.
2. Plaintiff may depose Defendant's opinion counsel, McAndrews, Held & Malloy, because Defendant has waived attorney-client privilege by interposing an "advice of counsel" defense to the claim of willful infringement. As stated on the record, however, the waiver does not extend to attorney work product or documents which the attorneys did not disclose to Defendant.

SO ORDERED.

S/R. Steven Whalen  
R. STEVEN WHALEN  
UNITED STATES MAGISTRATE JUDGE

Dated: January 12, 2006

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on January 12, 2006.

S/Gina Wilson  
Judicial Assistant